

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MICHAEL A. WIGGINS,)	
)	
Plaintiff,)	
v.)	Civil Action No. 06-20 Erie
)	
WARDEN JAMES SHERMAN, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

Plaintiff's civil rights complaint was received by the Clerk of Court on January 31, 2006 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation, filed on February 2, 2006, recommended that the Plaintiff's Motion to Proceed *In Forma Pauperis* [Doc. # 1] be denied and the case be dismissed without prejudice. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail at FCI-McKean, where he is incarcerated. No objections were filed. After de novo review of the complaint and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 27th Day of February, 2006;

IT IS HEREBY ORDERED that the Plaintiff's Motion [Doc. # 1] to Proceed *In Forma Pauperis* is denied and the case is DISMISSED WITHOUT PREJUDICE. The report and recommendation of Magistrate Judge Baxter, dated February 2, 2006, is adopted as the opinion of this Court.

s/ SEAN J. McLAUGHLIN

Sean J. McLaughlin
United States District Judge

cc: all parties of record
U.S. Magistrate Judge Baxter